

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: M. WEISSE R ATT. DOCKET: 8703-174

SERIAL NO. 10/ 506,477 = § 371 of PCT/EP03/01312

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FOR: FAN HAVING AN INTEGRATED IP PROTECTION

EXAMINER: V. DWIVEDI ART UNIT: 3741

SUPPL. INFORMATION DISCLOSURE STATEMENT

10 OCT. 2010

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA

Sir:

In accordance with the provisions of 37 C.F.R. §§1.56, 1.97, and 1.98, Applicant wishes to bring the document, listed on the attached form PTO-1449, to the attention of the Examiner. The document was cited by a competitor, the Elektrosil company, in response to a warning based on the European counterpart, EP 1,481,458, of the present US application. With reference to the present US application, the reference DE 297 07 440 shows some similar features:

Claim 1:

- An external-rotor motor (Außenläufermotor) having an internal stator (Innenstator) and an external rotor (Außenrotor 52) separated therefrom by an air gap (Luftspalt 38), e.g. page 2, last par; page 3, par. 4; Fig. 3.
- A bearing support tube (Lagertragrohr 106), e.g. .page 5, parag. 2.
- Outside of the support tube, a stator lamination stack (Statorblechpaket 118, part of the stator) is mounted, e.g. page 5, par. 3; Fig. 3.
- A pot-shaped part (Abschnitte 124, 126) having a wall (Abschnitt 126) which extends in the manner of a canned motor through said air gap between the internal stator and the external rotor, e.g. Fig. 3; page 5, par. 3.

- The internal stator is surrounded by the dividing part (Trennteil T') on three sides, e.g. page 5, par. 3.
- OBSERVATION: A cover 114 presumably cannot be construed as a "base" as recited in claim 1, on which the bearing support tube is secured.

Claim 2:

- An end of said bearing support tube (Lagertragrohr 106) extends to a portion of said pot-shaped part (Abschnitte 124, 126) and forms a substantially fluid-tight connection therewith, e.g. Fig. 3; page 5, par. 3.

• **Claims 6 and 18:**

- The bearing support tube is formed with a recess in which a spacer and a plurality of rotary bearings (Kugellager 102, 104) are provided, e.g. page 5, par. 2; Fig. 3.

• **Claim 9:**

- The rotor is configured as an external rotor with a rotor bell (Rotorglocke) onto which a rotor shaft (Welle) is secured, e.g. Fig. 3.

• **Claim 11:**

- The rotor has a rotor magnet (Permanentmagnetring 146) and has a stator with a stator lamination stack (Statorblechpaket 118), the stator being arranged, at least partially, radially inside the rotor magnet., e.g. Fig. 3

• **Claim 13:**

- If one interprets parts 132, 130 shown in Fig. 3 as a "housing" then:
 - The pot-shaped part is integrally formed with the housing.

MAIN DIFFERENCES:

DE 297 07 440 is not directed to a **fan** motor but rather to a motor for a mixing device. This particular motor is not suitable for use in a fan, since feeding air from an axial direction would not be feasible with this structure.

- The cap 114 shown in FIG. 3 of DE 297 07 440 is connected to the bearing support tube, but not with a "pot-shaped part" as recited in the present claims. Therefore, no "fluid-tight annular space" is formed in the structure of DE 297 07 440.

Although DE 297 07 440-U1 is owned by the assignee of the present application, it was prepared & filed more than 13 years ago, on 24 APR. 1997. The in-house counsel, Mr. Lenz, who prepared it, left the company in 2002. The present inventor, Michael Weisser, was also not familiar with DE 297 07 440-U1 since the utility model was granted in 1997, long before he joined the company in the year 2001. The present head of the patent department, Mr. Ferdani, also first joined the company in 2001. This explains why no one connected with the present prosecution was aware of the document before it was brought to attention by the Elektrosil company. This suffices to make the relevance of the document apparent. **Therefore, this submission complies with MPEP § 609.**

REMARKS

No representation is made that more pertinent, although presently unknown, art does not exist. It is anticipated that the Examiner will conduct a thorough search of the prior art and will carefully consider the documents cited.

The Examiner is respectfully requested to **return an initialled copy** of form PTO-1449, to confirm that the references have been considered.

The fee for the R.C.E. filing, and any associated IDS fee required, may be charged to Deposit Account No. 50-4732.

Respectfully submitted,

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Enc. PTO-1449 & document cited.